

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alex Dai-Shun Poon	Examiner: Behrang Badii
Serial No.:	09/491,703	Group Art Unit: 3694
Filed:	January 26, 2000	Docket: 2043.007US1
Title:	METHOD AND APPARATUS FOR FACILITATING USER SELECTION OF A CATEGORY ITEM IN A TRANSACTION	

PRE-APPEAL BRIEF REQUEST FOR REVIEW**Mail Stop AF**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests review of the rejections in the above-identified U.S. patent application. Applicant respectfully traverses all rejections of the claims in the above-mentioned Final Office Action, for the reasons stated below. No amendments are submitted with this Request, which is being filed with a Notice of Appeal. The review is requested because it is believed that *prima facie* obviousness has not been established in the rejection of the claims for at least the reasons stated below.

§103 Rejection of the Claims

Claims 9, 11-15, 25 and 41-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Greef et al. (U.S. Patent No. 6,397,221, hereinafter, "Greef"). For the reasons set forth below, Applicant respectfully submits that the rejection is in error and the identified claims are non-obvious over Greef and are therefore allowable.

As shown by Applicant's arguments presented at pages 10- 12 of Applicant's response to the Final Office Action, claim 9 recites, in pertinent part:

"responding to said detection of said selection of said category entry, providing a plurality of subcategory entries . . . to be hierarchically displayed for said user in at least one subcategory field within said display window, . . . said plurality of subcategory entries being used to categorize said item in said transaction."
(Emphasis added throughout)

The Final Office Action, at page 3, alleges that this limitation is disclosed by Greef at col. 7, lines 31-44, col. 29, line 40 – col. 30, line 60, and col. 31, lines 18-59. Applicant respectfully disagrees with the allegation. The cited passages were analyzed in the response to

the final Office Action (Applicant's response mailed 5/27/2008, pages 10-11). Greef in the cited passages merely discusses preparation of a category register that lists the product categories and subcategories and creating category and product frames.

In particular, the cited passages do not describe the claimed feature of “responding to said detection of said selection of said category entry, providing a plurality of subcategory entries and displaying for said user in at least one subcategory field within said display window, . . . said plurality of subcategory entries being used to categorize said item in said transaction.” In contrast, the cited passages, state that “the program prompts the user for identification of a tabular data,” and “the user would identify the source of tabular data by designating a file name and path for locating the file.” Greef's method “reviews the tabular data” and “extract information for building a series of registers. . . particularly, the method prepares Category register . . . Product register.” The method “begins development of the frame-based hierarchical structure to accommodate the table 400 product data . . . also establishes a subordinate level 438 beneath category frame 436, for subcategory frames.”

However, none of the steps described in the passages amounts to responding to said detection of said selection of said category entry, providing a plurality of subcategory entries and displaying for said user in at least one subcategory field within said display window, . . . said plurality of subcategory entries being used to categorize said item in said transaction, as recited in claim 9. Accordingly, Greef does not teach or suggest the limitation of “responding to said detection of said selection of said category entry, providing a plurality of subcategory entries . . . to be hierarchically displayed for said user in at least one subcategory field within said display window, . . . said plurality of subcategory entries being used to categorize said item in said transaction,” as recited in claim 9. The Office Action further asserts, “Greef did not expressly disclose a transaction, since this is an e-commerce shopping system and method, a transaction is obviously present.” Applicant respectfully disagrees with the assertion and submits that Greef is a system and method “for creating and or modifying the organizational structure and data content of a frame-based, hierarchical product database with the use of tabularly arranged product data.” (Abstract)

Furthermore, in rejecting claim 9, when discussing the claim limitation of “providing a category number associated with said selected category entry to be displayed for said user in said

display window,” the Final Office Action relies on Greef’s Abstract, and portions of the above cited passages. As pointed out in the Applicant’s response to Final Office Action, at page 12, Applicant respectfully submits that neither the abstract nor any of the cited passages provides category number to be displayed for user in display window. Accordingly, the claim 9 limitation of “*providing a category number associated with said selected category entry to be displayed for said user in said display window*” is not described or shown in Greef.

As such, Greef fails to teach or suggest each and every element of claim 9. Therefore, Applicant respectfully submits that there are substantial differences between what is claimed and what the Office Action contends to be shown in Greef. Because the Greef does not show all of the elements of the claimed subject matter of claim 1, those differences are significant and non-obvious to a person of ordinary skill in the art at the time the application was filed. Thus, claim 9 and its dependent claims 11-15 are not rendered obvious by Greef and are allowable.

The same arguments as presented with respect to claim 9 are also applicable to a consideration of independent claims 25 and 41. As such, at least for the reasons discussed above with respect to claim 9, claims 25 and 41 and dependent claims 43-47 are not rendered obvious by Greef and are, thus, allowable.

Claims 16, 32, 48, 58-59, 62-63, 66-67, 71, 73 and 75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Greef in view of Linden et al. (U.S. Publication No. 2005/0071581A1, hereinafter, “Linden”).

Claims 16, 32, 48, 58-59, 62-63, 66-67, 71, 73 and 75 are dependent on independent claims 9, 25, and 41. Thus, they are deemed to include every limitation of the claims they are dependent upon. The difference between claims 9, 25, and 41 and the disclosure in Greef is not remedied by the disclosure of Linden. Thus, Applicant respectfully submits that, at least for the reasons noted above, claims 16, 32, 48, 58-59, 62-63, 66-67, 71, 73 and 75 are not rendered obvious by Greef. Therefore, these claims are also allowable.

Applicant respectfully requests that the claim rejections under 35 U.S.C. § 103(a) be reversed.

CONCLUSION

In conclusion, Applicant respectfully submits that, for at least the reasons stated above with respect to the claims 9, 11-16, 25, 27-32, 41, 43-48, 58-59, 62-63, 66-67, 71, 73, and 75, a *prima facie* obviousness has not been established in the Final Office Action, and further that these claims are in condition for allowance. Reversal of the rejections and an indication of allowance of the identified claims are earnestly requested. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4053

Date June 26, 2008

By

Ali Miresghhi

Ali Miresghhi

Reg. No. 58,726

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of June, 2008.

CHRIS BARR
Name

[Signature]
Signature